



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NEW YORK 10007-1866

April 5, 2021

PROMPT REPLY NECESSARY  
VIA EMAIL

Sheila Denton  
Senior Vice President & General Counsel  
Boehringer Ingelheim  
900 Ridgebury Road  
Ridgefield, CT 06877  
[sheila.denton@boehringer-ingelheim.com](mailto:sheila.denton@boehringer-ingelheim.com)

Re: Request for Information Pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9604(e), PROTECO Site, Peñuelas, Puerto Rico

Dear Ms. Denton:

The United States Environmental Protection Agency ("EPA") is charged with responding to releases or threatened releases of hazardous substances, pollutants, and/or contaminants into the environment, and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. §§ 9601-9675 ("CERCLA"), also known as the "Superfund" law. For your information, a copy of the Superfund law may be found at [www.epa.gov/superfund](http://www.epa.gov/superfund).

EPA has documented the release or threatened release of hazardous substances into the environment at the PROTECO Site ("the Site"), which is located at Road 385, Km 4.4, Bo. Tallaboa, Peñuelas, Puerto Rico. The Site is the location of a former hazardous waste treatment, storage, and disposal facility ("TSDF"). Operations at the TSDF began in 1975 under the name Servicios Carbareon, Inc.; in 1985, the name was changed to Protección Técnica Ecológica Corp. (i.e., "PROTECO"), which was succeeded by Resources Management, Inc. doing business as PROTECO. During its years of operation, a variety of wastes were accepted at the TSDF from multiple sources, including electroplating sludge, wastewater treatment plant sludge, slurries, petroleum waste, pesticide wastes, and pharmaceutical and manufacturing wastes. Historical

records indicate that PROTECO accepted waste from the Western Fher Laboratories, Inc. facility in Ponce, Puerto Rico.

According to records filed at the Puerto Rico Secretary of State, Western Fher Laboratories, Inc. merged with Bilchem LTD. on or around November 5, 1990, with Bilchem LTD. as the surviving company. At the time of the merger, Boehringer Ingelheim Pharmaceuticals, Inc. was the sole owner of the issued and outstanding stock of both Western Fher Laboratories, Inc. and Bilchem LTD. On or around December 13, 2000, a certificate of dissolution of Bilchem LTD. was filed with the Delaware Secretary of State.

In November 1980, PROTECO submitted a Part A Permit Application pursuant to the Resource Conservation and Recovery Act ("RCRA"), thus entering interim status. In 1987, EPA and PROTECO entered into a consent decree stipulating that PROTECO would perform certain activities to address RCRA violations. In November 1997, after it became apparent that PROTECO had continued to violate RCRA regulations and provisions of the original consent decree, EPA and PROTECO entered into an amended consent decree requiring PROTECO to meet RCRA closure and post-closure care requirements. PROTECO conducted closure of waste units from November 1997 to February 1999 and conducted some post-closure maintenance but stopped performing post-closure care altogether sometime between 2001 and 2009. Since then, EPA inspectors have confirmed that PROTECO is not maintaining the Site and is out of compliance with post-closure care provisions of the amended consent decree.

On May 15, 2019, the Site was added to the "National Priorities List," EPA's list of releases and potential releases of hazardous substances, pollutants, and contaminants that have the potential to pose the greatest threat to public health, welfare, and the environment, established under Section 105(a) of CERCLA, 42 U.S.C. § 9605(a). In response to these releases and threatened releases at the Site, EPA has spent public funds and EPA anticipates spending additional public funds.

### REQUEST FOR INFORMATION

This letter also seeks your cooperation in providing information and documents relating to the contamination of the Site. We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to the attached Request for Information **within 21 calendar days** of your receipt of this letter.

Under Section 104(e)(2) of CERCLA, 42 U.S.C. § 9604(e)(2), EPA has broad information gathering authority to require persons to provide the following: information and/or documents relating to materials generated, treated, stored, or disposed of at, or transported to, a facility; the nature or extent of a release or threatened release of a hazardous substance, pollutant, or contaminant at or from a facility; and the ability of a person to pay for or perform a cleanup.

While EPA seeks your cooperation in this investigation, your compliance with the attached Request for Information is required by law. In preparing your response to this Request for Information, please follow the instructions provided in Attachment A.

When you have prepared your response to the Request for Information, please sign and have notarized the enclosed "Certification of Answers to Request for Information," and return and/or scan and email that Certification to EPA along with your response. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law. In addition, Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes EPA to pursue penalties for failure to comply with a request for information.

Some of the information EPA is requesting may be considered by you to be confidential business information. Please be aware that you may not withhold the information on that basis. If you wish EPA to treat all or part of the information confidentially, you must advise EPA of that fact by following the procedures described in the Instructions included in Attachment A, including the required support of your claim of confidentiality.

If you have information about other parties who may have information that may assist EPA in its investigation of the Site, or may be responsible for the material stored or disposed of at the Site, that information should be submitted within the time frame noted above. Please note that if after submitting your response you obtain additional or different information concerning the matters addressed by our Request for Information, you must promptly notify EPA and turn over the additional or different information to EPA.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501-3520.

Your response to this Request for Information, which we encourage you to submit electronically, should be sent to the following:

Andrea Leshak, Esq.  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 17th Floor  
New York, New York 10007-1866  
[leshak.andrea@epa.gov](mailto:leshak.andrea@epa.gov)

and to:

Zolymer Luna  
Caribbean Environmental Protection Division  
U.S. Environmental Protection Agency, Region 2  
City View Plaza II, Suite 7000  
#48 Rd 165, km 1.2  
Guaynabo, Puerto Rico 00968-8069  
[luna.zolymer@epa.gov](mailto:luna.zolymer@epa.gov)

If you have any technical questions regarding this letter, or would like to discuss the matter with EPA, you may call Ms. Luna at (787) 977-5844 or email her at the email address listed above.

Please direct all inquiries from an attorney to Ms. Leshak at (212) 637-3197 or at the email address listed above.

We appreciate your attention to this matter and look forward to your prompt response to this letter.

Sincerely yours,

**ERIC  
WILSON**

Digitally signed by ERIC  
WILSON  
Date: 2021.04.05  
15:39:42 -04'00'

Eric J. Wilson  
Deputy Director for Enforcement and Homeland Security  
Superfund and Emergency Management Division

Enclosures

Cc: Debra Christenson Forster, Vice President, Litigation, Government Investigations and Risk Management, Boehringer Ingelheim

## ATTACHMENT A

### INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

#### DIRECTIONS

1. Answer Every Question Completely. A separate response must be made to each of the questions set forth in this Request for Information. For each question contained in **Attachment B** of this letter, if information responsive to this Request for Information is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. Precede each answer with the corresponding number of the question and the subpart to which it responds.
3. Provide the Best Information Available. Provide responses to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees and/or agents. Submission of cursory responses when other responsive information is available to you will be considered non-compliance with this Request for Information. Whenever in this Request for Information there is a request to identify a natural person or an entity, state, among other things, the person or entity's full name and present or last known address.
4. Identify Sources of Answers. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
5. Inability to Answer or Provide Documents. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and telephone number and the reason for your belief.
6. Documents. If anything is deleted from a document produced in response to this Request for Information, state the reason for, and the subject matter of, the deletion. If a document is requested but is not available, state the reason for its unavailability.
7. Continuing Obligation to Provide and to Correct Information. If additional information or documents responsive to this Request for Information become known or available to you after you respond to this Request for Information, EPA hereby requests pursuant to Section 104(e) of CERCLA that you supplement your response to EPA. If, after submitting your response, you discover that information you submitted is incorrect, it is necessary that you promptly notify EPA and correct such information.

8. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F). If you make a claim of confidentiality for any of the information you submit to EPA, you must separately address the following points:
- a. the portions of the information alleged to be entitled to confidential treatment;
  - b. the period for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
  - c. measures taken by you to guard against the undesired disclosure of the information to others;
  - d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
  - e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
  - f. whether you assert that disclosure of the information would be likely to result in substantial harmful effect on your business's competitive position and, if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "CONFIDENTIAL" on all responses and any related documents you assert to be confidential. Confidential portions of otherwise non-confidential documents should be clearly identified. You should indicate a date, if applicable, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents, are in one envelope (or electronic folder, as applicable) and all materials for which you desire confidential treatment are in another envelope (or electronic folder).

All confidentiality claims are subject to EPA review. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by Section 104(e)(7) of CERCLA and EPA's pre-disclosure notification procedures. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. EPA provides no assurances that all information that you assert as confidential business information will not be publicly disclosed. Any determination regarding public disclosure will be based on a review of the information and relevant countervailing factors.

9. Disclosure to EPA Contractor. Information that you submit in response to this Request for Information may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. Part 2.310(h), even if you assert that all or part of it is confidential business information. Please be advised that EPA may disclose all responses to this Request for Information to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Request for Information. Pursuant to 40 C.F.R. Part 2.310(h), private contractors that would have access to such information must sign a contractual agreement that prohibits the disclosure of such information to anyone other than EPA without the prior written approval of each affected business or of an EPA legal office. If you are submitting information that you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Request for Information.
10. Personal Privacy Information. Personnel and medical files and similar files that, if disclosed to the general public, may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s) or in separate files, and marked as “Personal Privacy Information.”
11. Objections to Questions. If you have objections to some or all the questions within the Request for Information letter, you are still required to respond to each of the questions.

## DEFINITIONS

The following definitions shall apply to the following words insofar as they appear in this Request for Information.

1. The term “arrangement” means every separate contract or other agreement between two or more persons, whether written or oral.
2. The term “Bilchem LTD.” shall mean the corporation that was incorporated in Delaware on or around December 21, 1977 and authorized to do business in Puerto Rico (Registry No. 5368).
3. The term “Company” shall mean Boehringer Ingelheim and its predecessors and successors, as they were or currently are named and constituted.
4. The term “disposal” shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.



5. The term “documents” includes any written, recorded, computer-generated, visually, or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts, and all non-identical copies.
6. The term “entity” or “entities” refers to persons, individuals, companies, partnerships, or any other type of business association.
7. The term “Facility” shall mean the location of the former Western Fher Laboratories, Inc. facility located at or around RD 132 KM 25.3 in Ponce, Puerto Rico.
8. The term “hazardous substance” shall have the same definition as that contained in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances. The substances that have been designated as hazardous substances pursuant to Section 102(a) of CERCLA, 42 U.S.C. § 9602(a), (which, in turn, comprise a portion of the substances that fall within the definition of “hazardous substance” under Section 101(14) of CERCLA) are set forth at 40 C.F.R. Part 302.
9. The term “hazardous waste” shall have the same definition as that contained in Section 1004(5) of the Resource Conservation and Recovery Act, as amended (“RCRA”), 42 U.S.C. § 6903(5).
10. The term “identify” means, with respect to a natural person, to set forth the person’s full name, present or last known employer, business address, and business telephone number, as well as the present or last known home address and home telephone number. With respect to a corporation, partnership, or other business entity (including a sole proprietorship), the term “identify” means to provide its full name, address, and any affiliation or contractual relationship it has with the individual and/or Company to whom/which this Request for Information is addressed.
11. The term “industrial waste” shall mean any solid, liquid, or sludge or any mixtures thereof that possess any of the following characteristics:
  - a. it contains one or more “hazardous substances” (at any concentration) as defined in Section 101(14) of CERCLA;
  - b. it is a “hazardous waste” as defined in Section 1004(5) of RCRA;
  - c. it has a pH less than 2.0 or greater than 12.5;
  - d. it reacts violently when mixed with water;
  - e. it generates toxic gases when mixed with water;
  - f. it easily ignites or explodes;



- g. it is an industrial waste material;
  - h. it is radioactive;
  - i. it is an industrial treatment plant sludge or supernatant;
  - j. it is an industrial byproduct having some market value;
  - k. it is coolant water or blowdown waste from a coolant system;
  - l. it is a spent product that could be reused after rehabilitation; or
  - m. it is any material that you have reason to believe would be toxic if either ingested, inhaled, or placed in contact with skin.
12. The term “material” or “materials” means any and all objects, goods, substances, or matter of any kind, including but not limited to wastes.
13. The term “person” shall include any individual, firm, unincorporated association, partnership, corporation, trust, or other entity.
14. The term “release” shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
15. The term “Site” shall mean the PROTECO Site, including the real property located at Road 385, Km 4.4, Bo. Tallaboa, Peñuelas, Puerto Rico.
16. The term “treatment” or “treat” shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amendable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
17. The term “waste” or “wastes” shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including but not limited to containers or vessels used for temporary or permanent holding of such wastes.
18. The term “waste transporters” shall mean persons who picked up hazardous substances from the Facility or who otherwise transported hazardous substances away from the Facility.

19. The term “Western Fher Laboratories, Inc.” shall mean the company that was incorporated in Puerto Rico on or around September 27, 1971.
20. The term “you” shall mean the business entity that is the addressee of this Request for Information.
21. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA or RCRA, in which case the statutory definitions shall apply.

## ATTACHMENT B

### REQUEST FOR INFORMATION

1. Please answer the following questions regarding the Company:
  - a. State the correct legal name and mailing address for the Company;
  - b. State the name(s) and address(es) of the President, Chief Executive Officer, and the Chairman of the Board (or other presiding officer) of the Company; and
  - c. Identify the state/commonwealth and date of incorporation of the Company and the name of its agents for service of process in the state/commonwealth of incorporation and in Puerto Rico, if different.
2. State the corporate history of Western Fher Laboratories, Inc. and/or Bilchem LTD., including all name changes and mergers. List all names under which Western Fher Laboratories, Inc. and/or Bilchem LTD. have operated and have been incorporated. For each other name identified, provide the following information:
  - a. Whether that other company or business continues to exist, indicating the date and means by which it ceased operations (e.g., dissolution, bankruptcy, sale) if it is no longer in business;
  - b. Names, addresses, and telephone numbers of all registered agents, officers, and operations management personnel; and
  - c. Names, addresses, and telephone numbers of all subsidiaries, unincorporated divisions or operating units, affiliates, and parent corporations, if any, of that other company.
3. Identify all changes in ownership relating to Western Fher Laboratories, Inc. and/or Bilchem LTD. from their dates of incorporation to the present, including the date of any ownership change. If any owner was/is a corporation, identify if the corporation was a subsidiary or division of another corporation. In your identification of any corporation, it is requested that you provide the full corporate name, the state/commonwealth of incorporation, and all fictitious names used/held by that corporation.
4. For each owner that is a subsidiary of another corporation identified in your answer to Request #3, above, please provide a chart that details the corporate structure from that other company through all intermediary entities to the ultimate corporate parent. For purposes of this information request, the term "ultimate corporate parent" means the corporate entity that, while owning or controlling the majority of the shares of common stock in a subsidiary corporation, is not primarily owned/controlled by another corporation.
5. Provide copies of Western Fher Laboratories, Inc. and/or Bilchem LTD.'s authority to do business in Puerto Rico. Include all authorizations, withdrawals, suspensions, and reinstatements.

6. State the dates during which Western Fher Laboratories, Inc. and/or Bilchem LTD. owned, operated, or leased any portion of the Facility, and provide copies of all documents evidencing or relating to such ownership, operation, or lease, including but not limited to purchase and sale agreements, deeds, leases, etc.
7. Describe the current and past business relationship between the Company and Western Fher Laboratories, Inc.
8. Describe the current and past business relationship between the Company and Bilchem LTD.
9. Describe any asset purchase agreements whereby some or all of the assets of Western Fher Laboratories, Inc. and/or Bilchem LTD. were sold to any other entity, including the date(s), the companies involved, and the terms of such asset purchase agreement(s).
10. Indicate whether the Company is the successor to any liabilities, including those under CERCLA, of Western Fher Laboratories, Inc.
11. Indicate whether the Company is the successor to any liabilities, including those under CERCLA, of Bilchem LTD.
12. Identify all meetings and communications that the officers, directors, or employees of the Company participated in or attended regarding the operations of the Facility.
13. Identify what, if any, reports, statements, or other documents the officers or directors of the Company wrote or received regarding the operations of the Facility and describe what, if any, information the officers and directors received concerning the operations of the Facility.
14. Identify any employees, officers, or directors of the Company who participated in discussions or other communications regarding any decision pertaining to disposal of waste materials from the Facility.
15. State whether any officers or directors of the Company approved, authorized, discussed, or had knowledge or awareness of any arrangement to dispose of wastes from the Facility. Describe the nature and extent of such approval, authorization, discussion, knowledge, or awareness.
16. Indicate whether any reports discussing waste disposal practices at the Facility were ever received by officers or directors of the Company. If your answer to this Request is in the affirmative, indicate (i) when such reports were received, (ii) who the originator of such reports was, (iii) who such reports were directed to, and (iv) the content of such reports. If such reports are in your possession or control, submit copies of such reports to EPA.

17. Describe the circumstances surrounding the dissolution of Bilchem LTD., including in your answer the following:
- a. The exact date of dissolution;
  - b. The names and addresses of any and all shareholders at the time of dissolution;
  - c. The value of all assets distributed to each shareholder as a result of the dissolution;
  - d. The final disposition or distribution of all assets, liabilities, and shares of Bilchem LTD.;
  - e. The identity of all parties to any transactions relating to or arising out of the dissolution; and
  - f. The identity of all documents relating to the dissolution.
18. Identify any successor entities to which assets and liabilities of the dissolved Bilchem LTD. were transferred.
19. Please provide all notices concerning the dissolution of Bilchem LTD. to persons with claims against Bilchem LTD., or such notices published in newspapers of general or national circulation.
20. Please provide all petitions and other court filings concerning the amount and form of security reasonably likely to provide compensation for any claim against Bilchem LTD.
21. Please provide all documents concerning any plan of distribution pursuant to which Bilchem LTD. paid or made provisions to pay claims and obligations.
22. Identify what, if any, reports, statements, or other documents the officers or directors of the Company wrote or received regarding the dissolution of Bilchem LTD. and describe what, if any, information the officers and directors received concerning the dissolution. Please provide copies of such reports, statements, or other documents.
23. Identify any employees, officers, or directors of the Company who participated in discussions or other communications regarding the decision to dissolve Bilchem LTD.
24. State whether any officers or directors of the Company approved, authorized, discussed, or had knowledge or awareness of the decision to dissolve Bilchem LTD. Describe the nature and extent of such approval, authorization, discussion, knowledge, or awareness.
25. Describe how Western Fher Laboratories, Inc. and/or Bilchem LTD. came to possess the hazardous substances that came to be located at the Site.

26. List all hazardous substances used, generated, treated, stored, disposed of, manufactured, recycled, recovered, treated, or otherwise processed during Western Fher Laboratories, Inc. and/or Bilchem LTD.'s operations at the Facility.
27. List and fully describe all waste streams generated from Western Fher Laboratories, Inc. and/or Bilchem LTD.'s operations, including solid, liquid, or any other type of waste.
28. Describe in detail the handling, storage, and disposal practices employed by Western Fher Laboratories, Inc. and/or Bilchem LTD. for each waste stream resulting from its operations.
29. Identify all individuals who had responsibility for Western Fher Laboratories, Inc. and/or Bilchem LTD.'s environmental and waste management decisions between 1975 and 1999 (e.g., responsibility for decisions regarding the disposal, treatment, storage, recycling, or sale of hazardous substances, hazardous wastes, and industrial wastes), including the following:
  - a. Each such individual's job title, duties, dates performing those duties, supervisors for those duties, current position, and if applicable the date of the individual's resignation or termination; and
  - b. The nature of the information possessed by each such individual concerning Western Fher Laboratories, Inc. and/or Bilchem LTD.'s waste management.
30. For each type of hazardous substance, hazardous waste, and industrial waste used or generated by Western Fher Laboratories, Inc. and/or Bilchem LTD., describe the agreements or other arrangements for its disposal, treatment, storage, recycling, or sale, and provide the following:
  - a. Any agreement and document, including waste logs, journals, manifests, or notes, related to any transfer of hazardous substances, hazardous wastes, and industrial wastes from the Facility that came to be located at the Site;
  - b. All correspondence and written communications between Western Fher Laboratories, Inc. and each owner/operator of the Site regarding hazardous substances, hazardous wastes, and industrial wastes from the Facility that came to be located at the Site; and
  - c. All correspondence and written communications between Bilchem LTD. and each owner/operator of the Site regarding hazardous substances, hazardous wastes, and industrial wastes from the Facility that came to be located at the Site.
31. Provide agreements and documents related to the following, including waste logs, journals, manifests, or notes, as set forth below:

- a. The locations where Western Fher Laboratories, Inc. and/or Bilchem LTD. sent each type of hazardous substance, hazardous waste, and industrial waste from the Facility for disposal, treatment, or recycling;
  - b. List all waste transporters used by Western Fher Laboratories, Inc. and/or Bilchem LTD.;
  - c. For each type of hazardous substance, hazardous waste, and industrial waste, specify which waste transporter picked it up;
  - d. For each type of hazardous substance, hazardous waste, and industrial waste, state how frequently each waste transporter picked up such waste;
  - e. For each type of hazardous substance, hazardous waste, and industrial waste, provide the volume picked up by each waste transporter (per week, month, or year);
  - f. For each type of hazardous substance, hazardous waste, and industrial waste, identify the dates (beginning & ending) such waste was picked up by each waste transporter;
  - g. Indicate the ultimate location for each type of hazardous substance, hazardous waste, and industrial waste. Provide all documents indicating the ultimate disposal/recycling/treatment location for each type of hazardous substance, hazardous waste, and industrial waste;
  - h. Describe how Western Fher Laboratories, Inc. and/or Bilchem LTD. managed pickups of each hazardous substance, hazardous waste, and industrial waste, including but not limited to:
    - i. The method for inventorying each type of hazardous substance, hazardous waste, and industrial waste;
    - ii. The method for requesting each type of hazardous substance, hazardous waste, and industrial waste to be picked up;
    - iii. The identity of the waste transporter employee/agent contacted for pickup of each type of hazardous substance, hazardous waste, and industrial waste; and
    - iv. The amount paid or the rate paid for the pickup of each type of hazardous substance, hazardous waste, and industrial waste;
  - i. Identify the individual or entity that selected the location where each of Western Fher Laboratories, Inc. and/or Bilchem LTD.'s wastes were taken. Describe the basis for and provide any documents supporting the answer to this Request.
32. If not already provided, specify the dates and circumstances when Western Fher Laboratories, Inc. and/or Bilchem LTD.'s hazardous substances, hazardous wastes, and/or industrial wastes were sent, brought, or moved to the Site, and identify the names, addresses, and telephone numbers of the person(s) making arrangements for the containers (e.g., 55-gallon drum, dumpster, etc.) holding hazardous substances, hazardous wastes, and/or industrial wastes to be sent, brought, or transported to the Site. Please also provide all documents that support or memorialize the answer to this Request.



33. Identify, describe, and provide all documents that refer or relate to the following:
- a. The nature, including the chemical content, characteristics, physical state (e.g., solid, liquid), and quantity (volume and weight) of all hazardous substances, hazardous wastes, and industrial wastes involved in each arrangement transferring materials from any facility owned or operated by Western Fher Laboratories, Inc. and/or Bilchem LTD. (including the Facility) to any other facility;
  - b. In general terms, the nature and quantity of the non-hazardous substances involved in each such arrangement for transporting materials;
  - c. The hazardous substances being mixed or combined with other hazardous substances or non-hazardous substances for each such arrangement. Indicate whether such mixing or combining is common in the industry. Indicate whether Western Fher Laboratories, Inc. and/or Bilchem LTD. was ever asked to stop mixing or combining the hazardous substances with the non-hazardous substances;
  - d. Other materials other than the hazardous substances that were involved in the transaction;
  - e. The condition of the transferred material containing hazardous substances when it was stored, disposed of, treated, or transported for disposal or treatment;
  - f. The markings on and type, condition, and number of containers in which the hazardous materials were contained when they were stored, disposed, treated, or transported for disposal or treatment; and
  - g. All tests, analyses, analytical results, and manifests concerning each hazardous substance, hazardous waste, and industrial waste involved in each transaction. Include information regarding who conducted the test and how the test was conducted (batch sampling, representative sampling, splits, composite, etc.).
34. Indicate how long Western Fher Laboratories, Inc., Bilchem LTD., and/or the Company has had a relationship with the owner(s) and/or operator(s) of the Site.
35. Identify any individuals, including former and current employees, who may be knowledgeable of Western Fher Laboratories, Inc. and/or Bilchem LTD.'s operations and practices concerning the handling, storage, and disposal of hazardous substances.
36. Please provide all documents, if not already requested above, that support your responses to Requests #1 - #35, above.
37. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:
- a. The relevant document retention policy between 1975 and the present;

- b. A description of how the records were destroyed (burned, trashed, etc.) and the approximate date of destruction;
  - c. A description of the type of information that would have been contained in the documents;
  - d. The name, job title, and most current address known by you of the person(s) who would have produced these documents, the person(s) who would have been responsible for the retention of these documents, the person(s) who would have been responsible for the destruction of these documents, and the person(s) who had and/or still may have the originals or copies of these documents; and
  - e. The names and most current address of any person(s) who may possess documents relevant to these requests for information.
38. List and provide a copy of all agreements or contracts, including but not limited to insurance policies and indemnification agreements, held or entered into by the Company or its subsidiaries that could indemnify it against any liability that it may have under CERCLA for releases or threatened releases of hazardous substances at the Site as a result of any arrangement for disposal from the Facility. In response to this Request, please provide not only those insurance policies and agreements that currently are in effect, but also provide those that were in effect during the period(s) when any hazardous substances, hazardous wastes, and/or industrial wastes may have been disposed of at the Site.
39. State whether any claim or claims have been made by the Company to any insurance company for any loss or damage related to operation at the Site, and if so, identify each claim by stating the name of the claimant, the name and address of the insurance company, the policy number, the named insured on the policy, the claim number, the date of claim, the amount of claim, the specific loss or damage claimed, the current status of the claim, and the amount, date, and the recipient of any payment made on the claim.
40. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
41. State the name, title, and address of each individual who assisted or was consulted in the preparation of the response to this Request for Information. In addition, state whether each such person has personal knowledge of the information in the answers provided.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State/Commonwealth of \_\_\_\_\_

County/Municipality of \_\_\_\_\_

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that I am under a continuing obligation to supplement my response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my response thereto should become known or available to me.

\_\_\_\_\_  
NAME (print or type)

\_\_\_\_\_  
TITLE (print or type)

\_\_\_\_\_  
SIGNATURE

Sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_ 2021.

Notary Public